

DEC - 9 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Robert D. Bradshaw
PO Box 473
1530 W. Trout Creek Road
Calder, Idaho 83808
Phone 208-245-1691

Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

ROBERT D. BRADSHAW

) Case No. CV 05-0027

Plaintiff

v.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS (hereafter referred to
as the CNMI); et. al.

Defendants

) **MOTION TO SERVE ANDREW**
) **CLAYTON BY PUBLICATION**
) **AND FOR A CHANGE TO THE**
) **PERIOD ALLOWED FOR**
) **SERVICE FROM 120 DAYS TO**
) **240 DAYS--EX PARTE**

1. Comes plaintiff ROBERT D. BRADSHAW in Civil Case 05-0027 to petition the court for approval to serve defendant ANDREW CLAYTON by publication. Federal Rules of Civil Procedure rule 4(e)(1) allow service to be made in accordance with the rules and laws in the district where the US court is located. Although seemingly not required, a copy of the summons process on this case has been supplied the CNMI Attorney General (actually two times)--along with a single copy of the amended

complaint and complaint for all defendants.

2. The Commonwealth Code on Jurisdiction and Process (PL 2-15, Section 4) allows service by certified mail with the proviso that if the defendant cannot be served by mail, then the Court may order that service be made by publication of the summons in at least one newspaper published and having a general circulation in the Commonwealth each week for a period of four consecutive weeks.

3. Request that the Court authorize plaintiff to serve summons on Mr CLAYTON with publication in the local Saipan Tribune once each week for four consecutive weeks, per the attached publication notice Exhibit A. An affidavit is filed contemporaneously with this motion showing the efforts to serve Mr CLAYTON.

4. Mr CLAYTON has been represented by the CNMI Attorney General up until July 2005 in Idaho USDC Civil Case 05-0084. The CNMI AG has been in contact with him. With this notice, either in this document filed with the Court or in the newspaper, it is anticipated that the AG will promptly contact Mr CLAYTON and arrange for an answer and/or for his representation.

5. Because of the needed time to make this publication and follow up on it, plaintiff further requests that the court extend the time deadline for delivery of service on the summons on defendant ANDREW CLAYTON from 120 days until 240 days. This seems to be now the authorization in the CNMI rules of civil procedure (rule 4m).

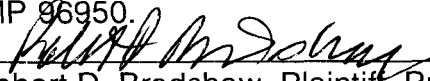
6. A proposed order is also contemporaneously enclosed.


Robert D. Bradshaw. Plaintiff Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of Dec 2005, I caused to be served a true copy of the foregoing document by US Mail Postage Paid to each of the following:

Jay H. Sorensen, c/o Shanghai, PO Box 9022, Warren, MI 48090-9022
The Attorney General, 2d Floor of the Juan A. Sablan Memorial Bldg,
Caller Box 10007, Capitol Hill, Saipan, MP 96950.


Robert D. Bradshaw, Plaintiff, Pro Se

**LEGAL NOTICE
SUMMONS FOR PUBLICATION**

Robert D. Bradshaw
PO Box 473, 1530 W. Trout Creek Road
Calder, ID 83808
Phone 208-245-1691
Plaintiff, Pro Se

**IN THE UNITED STATES DISTRICT COURT
FOR THE COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS
PO Box 500687
Saipan, MP 96950**

Civil Action No. 05-0027

ROBERT D, BRADSHAW
Plaintiff

vs.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS (the CNMI); ANDREW CLAYTON,
former Assistant Attorney General of the CNMI,
in his personal/individual capacity; et. al.
Defendants

TO: ANDREW CLAYTON:

You have been sued by Robert D, Bradshaw, the Plaintiff, in the United States District Court for the Commonwealth of the Northern Mariana Islands, Civil Action No. 05-0027

The nature of the claims against you are set forth in the complaint and seek to impose personal liability upon you.

Any time after 20 days following the last publication of this summons, the court may enter a judgment against you without further notice, **unless** prior to that time you have filed a written response in the proper form, including the Case Number, and paid any required filing fee to the Clerk of the Court at 2d Floor, Horiguchi Bldg, PO Box 500687, phone 670-236-2902, Saipan, MP 96950 and served a copy of your response on plaintiff at PO Box 473, 1530 W. Trout Creek Road, Calder, ID 83808, phone 208-245-1691.

A copy of the Summons, Complaint and Amended Complaint can be obtained by contacting either the Clerk of the Court or the plaintiff. If you wish legal assistance, you should immediately retain an attorney to advise you in this matter.

WITNESS MY HAND and seal of said District Court on this _____
day of _____2005.

Galo L. Perez
Clerk of the United States
District Court for the
Commonwealth of the Northern Mariana Islands

**IN THE UNITED STATES DISTRICT COURT
FOR THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

ROBERT D. BRADSHAW

) Case No. CV 05-0027

Plaintiff

v.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS; et. al.

) **(PROPOSED) ORDER:**
) **1. GRANTING MOTION TO**
) **EXTEND TIME TO SERVE**
) **DEFENDANT CLAYTON; and,**
) **2. GRANTING MOTION TO**
) **SERVE BY PUBLICATION**

Defendants

THIS MATTER came before the court on motion of plaintiff to serve defendant Andrew Clayton by publication and to extend the time for service. In the interests of conserving the resources of the court and the parties, the court will decide the motion without the necessity of a hearing.

THE COURT, having considered plaintiff's motion and the affidavit filed in support

thereof, and it appearing that plaintiff has taken the necessary steps precedent to obtain an order to serve by publication in accordance with Commonwealth law; and,

ORDERS that plaintiff may serve defendant Andrew Clayton by publication in accordance with Commonwealth law; and,

FURTHER ORDERS that the deadline for service upon defendant Andrew Clayton be and hereby is extended from 120 to 240 days; and,

FURTHER ORDERS that the plaintiff may use the language in the proposed notice.

DATED this _____ day of _____, 2005.

ALEX R. MUNSON
Judge